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## FAX TRANSMITTAL COVER SHEET

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JUL 28 2004

OFFICIAL

TO: U. S. Patent and Trademark Office  
Attn: Examiner, Trinh T. Nguyen  
Art Unit: 3644

FAX NO.: (703) 872-9306

DATE: July 28, 2004

FROM: Derek V. Forinash

Conley Rose, P.C.  
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CLIENT NO.: 2224-00300

TOTAL NUMBER OF PAGES (INCLUDING THIS ONE) 5

COMMENTS: Re: U.S. Patent Application No. 10/684,765  
Filing Date: October 14, 2003  
Applicant(s): Desmond J. Latouche

The following documents are attached for filing:

*Transmittal Form (1 p.)*

*PTO Fee Transmittal (1 p.)*

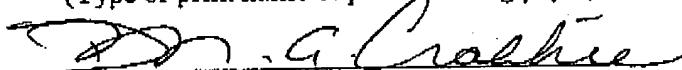
*Response to Restriction Requirement Dated June 28, 2004 (2 p.)*

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PTO/SB/21 (08-03)

Approved for use through 07/31/2006 OMB 0651-0032

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## TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission **4**

|                      |                     |
|----------------------|---------------------|
| Application Number   | 10/684,765          |
| Filing Date          | October 14, 2003    |
| First Named Inventor | Desmond J. Latouche |
| Art Unit             | 3644                |
| Examiner Name        | T. Nguyen           |

Attorney Docket Number **2224-00300 DVF**

### ENCLOSURES (check all that apply)

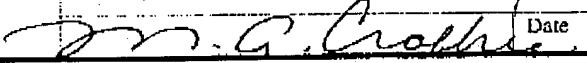
|  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication<br>to Group<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group<br><i>(Appeal Notice, Brief, Reply Brief)</i><br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) <i>(please<br/>identify below):</i> |
| Remarks  |  |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                               |   |
|-------------------------------|---|
| Firm<br>Or<br>Individual Name | DEREK V. FORINASH   |
| Signature                     |  |
| Date                          | July 27, 2004   |

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|                       |  |               |
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| Typed or Printed Name | M. A. CRABTREE   |               |
| Signature             |  | Date          |
|                       |  | July 28, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL For FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** \$ 00.00**METHOD OF PAYMENT (Check all that apply)**
 Check     Credit Card     Money Order     Other     None
 Deposit Account:Deposit Account Number: 03-2769  
Deposit Account Name: Conley Rose, P.C.

## The Director is authorized to: (check all that apply)

- 
- Charge fee(s) indicated below
- 
- 
- Charge any additional fee(s) during the pendency of this application
- 
- 
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account
- 
- 
- Credit any overpayments

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee | Small Entity Fee | Fee Description        | Fee Paid |
|------------------|------------------|------------------------|----------|
| Code (\$)        | Code (\$)        |                        |          |
| 1001 770         | 2001 385         | Utility filing fee     | \$       |
| 1002 340         | 2002 170         | Design filing fee      | \$       |
| 1003 530         | 2003 265         | Plant filing fee       | \$       |
| 1004 770         | 2004 385         | Reissue filing fee     | \$       |
| 1005 160         | 2005 80          | Provisional filing fee | \$       |

**SUBTOTAL (1) \$00.00****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Fee from           |                    |        |          |
|--------------------|--------------------|--------|----------|
| Total Claims       | Extra Claims below | Fee    | Fee Paid |
| 24                 | 24** = 0 X         | 9.00   | -\$00.00 |
| Independent Claims | 3** = 0 X          | 43.00  | -\$00.00 |
| Multiple Dependent |                    | 145.00 | -\$ 0.00 |

| Large Entity Fee | Small Entity Fee | Fee Description  |
|------------------|------------------|--|
| Code (\$)        | Code (\$)        |  |
| 1202 18          | 2202 9           | Claims in excess of 20                                     |
| 1201 86          | 2201 43          | Independent claims in excess of 3                          |
| 1203 290         | 2203 145         | Multiple dependent claim, if not paid                      |
| 1204 86          | 2204 43          | ** Reissue: independent claims over original patent        |
| 1205 18          | 2205 9           | ** Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2) \$00.00**

\*\* or number previously paid, if greater; for Reissues, see above

**SUBMITTED BY**

Complete (if applicable)

|                   |                   |                                      |        |               |                |
|-------------------|-------------------|--------------------------------------|--------|---------------|----------------|
| Name (Print/Type) | DEREK V. FORINASH | Registration No.<br>(Attorney/Agent) | 47,231 | Telephone     | (713) 238-8000 |
| Signature         |                   |                                      | Date   | July 28, 2004 |                |

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANT: DESMOND J. LATOUCHE

ART UNIT: 3644

SERIAL NO.: 10/684,765

EXAMINER:  
T. NGUYEN

FILED: OCTOBER 14, 2003

CONFIRMATION NO.: 3350

FOR: MODULAR SPIN FISHING  
SYSTEM**OFFICIAL**RESPONSE TO RESTRICTION REQUIREMENT DATED JUNE 28, 2004

Atty. Dkt. No.: 2224-00300

Clt. Ref. No.: 24842-0012

Date: July 28, 2004

Mail Stop Amendment  
Commissioner For Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Office Action dated June 28, 2004.

Remarks/Arguments begin on page 2 of this paper.

**REMARKS**

In the Office Action the Examiner issued a requirement for restriction. The Examiner requires an election of species and found that there are no generic claims. The Examiner requires election of one fishing rod holder, identified as Species I-V, one fishing rod handle, identified as Species A-C, and one Fishing rod, identified as Species 1-3.

In response, the Applicant elects Species I, B, and 2, corresponding to Figures 1, 2, and 5, as well as item 24b of Figure 7 and item 20b of Figure 8. The Applicant traverses the finding that there is no generic claim and asserts that at least claim 1 is generic.

**Claims Corresponding to Elected Species**

The Applicant elects the fishing rod holder of Species I as reflected in Figures 1, 2, and 5. Further, the Applicant elects the fishing rod handle of Species B as reflected in item 24b of Figure 7. Still further, the Applicant elects the fishing rod of Species 2 as reflected in item 20b of Figure 8. The Applicant also contends that Species III (no. 12a of Figure 6) encompasses components identical to those of Species II in Figures 3 and 4. Similarly, Species IV (no. 12b of Figure 6) encompasses components identical to those of Species I in Figures 1, 2, and 5.

Claims 1-21 and 23-24 are readable on the combination of Species I, B, and 2. Thus, of the pending claims, only claim 22 includes limitations not found in Species I/B/2.

**Generic Claims**

As stated in MPEP 806.04(d), "a generic claim should include no material element additional to those recited in the species claims, and must comprehend within its confines the organization covered in each of the species." Thus, a generic claim cannot include limitations not present in each of the species claims. The present application has only one independent claim, claim 1. By definition, each of the remaining claims (2-24) includes all of the limitations found in claim 1. Further, the limitations found in claim 1 are found in each of the species identified by the Examiner. Therefore, claim 1 should be considered a generic claim.

Respectfully submitted,



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